

in Hester et al. for such an assertion by the Examiner. Such an assertion must be made when the present invention is unknown. See MPEP §2142. Such assertion by the Examiner based on Hester et al. is deemed improper.

The Examiner next states that Carmel et al. teaches removing sections of the squealer band to balance the brake drum. The actual disclosure of Carmel et al. on this point is at Col. 2, lines 23-25 wherein it is stated that the brake drum would be balanced by cutting away a crescent or a wedge of material from the squealer band. There is mention at Col. 3 of incrementally cutting away a crescent of material to a variable depth; however, there is no mention that such a cut would leave an area of the squealer band with a continuously varying thickness.

The assertion by the Examiner that Carmel et al. can be used to modify Hester et al. to obviate the removal of material from the squealer band to form a section of the squealer band having a continually varying thickness is not deemed to be a proper reading of Hester et al. without resort to the present disclosure.

Schrader et al., Wakisaka et al. and Koike et al. are no more relevant than Carmel et al.

Reconsideration of the Examiner's rejection is requested.

Respectfully submitted,

September 23, 2004

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